

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>THOMAS PILCHER, in his Capacity as</b>	)	
<b>Administrator of the Estate of Christopher</b>	)	
<b>Robert Myers, Deceased,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 25-00072-KD-M</b>
	)	
<b>CITY OF FOLEY, ALABAMA, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This action is before the Court on the Foley Defendants’<sup>1</sup> Consent to Plaintiff Thomas Pilcher’s First Amended Complaint and Motion to Vacate the Order striking the First Amended Complaint. (Doc. 22).

Pilcher filed his first complaint in this case on February 25, 2025. (Doc. 1). Summons to all Defendants was returned executed on March 7, 2025. (Doc. 4). On May 5, 2025, Pilcher filed his First Amended Complaint. (Doc. 19). The Court struck this Amended Complaint because it was filed more than 21 days after service of the complaint, no responsive pleading had been filed, and Pilcher did not file written consent by the opposing parties or leave to file the Amended Complaint with the Court pursuant to Federal Rule of Civil Procedure Rule 15(a)(1) and (2). (Doc. 21).

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<sup>1</sup> Defendants the City of Foley, Alabama; Mayor Ralph Hellmich; Chief Thurston Bullock; Deputy Chief Kevin Carnley; Jail Commander Larry Dearing; Chief Corrections Officer Nicole Phillips; Shift Supervisor Melanie Gouveia; Corrections Officer Dontae Bailey; Shift Supervisor Racen Williams; Corrections Officer John Ash; or Corrections Officer Louis Brower, Jr. refer to themselves as the “Foley Defendants.” The Foley Defendants are the Defendants who have appeared in this case and brought this Motion before the Court.

The Foley Defendants filed consent to Plaintiff's Amended Complaint and a Motion to Vacate the Court's Order striking the Amended Complaint. (Doc. 22). The Foley Defendants request the Amended Complaint be reinstated because their Motion to Dismiss, due to be filed on May 19, 2025, cites to the Amended Complaint. (Id.). The Court construes the Foley Defendants' consent as written consent of the opposing party pursuant to Federal Rule of Civil Procedure Rule 15(a)(2).

Upon consideration, the Foley Defendants' Motion to Reinstate the First Amended Complaint and Vacate Order is **GRANTED**. Accordingly, the Order striking the Amended Complaint (Doc. 21) is **VACATED** and the Amended Complaint (Doc. 19) is the operative Complaint in this action.

**DONE and ORDERED** this the **16th day of May 2025**.

s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**